

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN	)	CIVIL ACTION NO.: 2021-CP-22-
	)	
Molly Nicole Casasanta,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUMMONS</b>
	)	(Jury Trial)
	)	
Marcone Chaves Vilela, and	)	
Avala Express,	)	
	)	
Defendants.	)	

TO THE DEFENDANTS ABOVE NAMED:

**YOU ARE HEREBY SUMMONED** and required to answer the Complaint in this action, a copy of which is served upon you, and to serve a copy of your Answer to said Complaint on the attorneys listed below at 1108 Duke Street, Georgetown, South Carolina 29440, within **thirty (30) days** after service thereof [unless service is made by registered mail in which event you have **thirty-five (35) days**] exclusive of the day of such service. If you fail to answer the Complaint within the time-period stated above, the Plaintiff in this action will apply to the Court for default judgment and the relief demanded in the Complaint will be rendered against you.

DATED at Georgetown, South Carolina, on the 10th day of December, 2021.

LUMPKIN AND POSTAL, P.C.  
s/ W. Andrew Postal (Bar No.: 101335)  
 Attorney for the Plaintiff  
 1108 Duke Street  
 Georgetown, SC 29440  
 Phone: (843) 546-1549  
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 drew@lumpkinandpostal.com

**JURY TRIAL DEMANDED.**

**EXHIBIT**

A

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	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN	)	CIVIL ACTION NO.: 2021-CP-22-
	)	
Molly Nicole Casasanta,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<b>COMPLAINT</b>
	)	(Jury Trial)
Marcone Chaves Vilela, and	)	(Auto Accident)
Avala Express,	)	
	)	
<u>Defendants.</u>	)	

The Plaintiff, complaining of the Defendants, alleges:

1. The Plaintiff Molly Nicole Casasanta is a citizen and resident of Georgetown County, South Carolina.
2. The Defendant Marcone Chaves Vilela is a resident of Land O Lakes, Florida.
3. The Defendant Avala Express is a resident of Milwaukee, Wisconsin.
4. On October 25, 2021, at approximately 2:48 p.m., Plaintiff was lawfully traveling West on Front Street in Georgetown, South Carolina, and was making a right turn onto Fraser Street.
5. On October 25, 2021, at approximately 2:48 p.m., Defendant Vilela was driving a tractor trailer owned by Defendant Avala Express, North on Fraser Street in Georgetown, South Carolina, and was approaching the intersection of Fraser Street and Front Street.
6. Suddenly and without warning the Defendant Vilela, disregarded a traffic signal, illegally entered the intersection, failed to yield the right-of-way, and crashed into the driver side rear quarter panel of the Plaintiff's vehicle.
7. The impact of the collision caused the Plaintiff's vehicle to collide into Unit 3



which was traveling South on Fraser Street.

8. Plaintiff suffered serious bodily injuries as the result of the collision, and the damage to Plaintiff's vehicle was so severe that her vehicle was rendered undriveable.

9. That Defendant Vilela was negligent, careless, reckless, willful, wanton and grossly negligent in one or more of the following:

- a. In failing to drive his vehicle at a reasonable rate of speed given the circumstances then and there existing;
- b. In operating his vehicle without regard to the traffic conditions then and there existing;
- c. In failing to keep his vehicle under control;
- d. In failing to maintain a proper lookout;
- e. In failing to apply the brakes;
- f. In failing to yield the right-of-way;
- g. In disregarding a traffic control device;
- h. In failing to exercise the degree or care and caution which a prudent person would have exercised under the same set of similar circumstances;
- i. Other such violations of the South Carolina Code of Laws and the rules of the road as the evidence at trial may show.

All of which was the direct and proximate cause of the injuries and damages suffered by Plaintiff.

10. The Defendant Avala was negligent, careless, reckless, willful, wanton and reckless in failing to adequately hire, train, and supervise it's agents and employees.

All of which was the direct and proximate cause of the injuries and damages suffered by Plaintiff.

11. As a result of the negligence, carelessness, recklessness, willfulness, wantonness and gross negligence of the Defendants, the Plaintiff suffered grievous bodily injuries, pain, anguish, mental suffering, considerable medical bills, damage to personal property, and inconvenience, all of which she is informed and believes she is entitled to be compensated for as a direct and proximate result of Defendants' actions described above.

**WHEREFORE**, Plaintiff prays for judgment in this matter for actual damages, plus punitive damages, in an amount to be determined by a competent jury, for the cost of this action, and for such other and further relief as this Court deems just and proper.

LUMPKIN AND POSTAL, P.C.  
s/ W. Andrew Postal (SC Bar No. 101335)  
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Georgetown, SC 29440  
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December 10, 2021  
Georgetown, South Carolina